

Notice of Allowability

Application No.

10/635,973

Examiner

Alexander Grosz

Applicant(s)

HOOPER, WILLIAM W.

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMT DATED 2/4/05
2. ☒ The allowed claim(s) is/are 11, 15, 2-4, 7-10, 5, 6, 12-14, 23 RENUMBERED AS 1-15
3. ☒ The drawings filed on 8/1/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 2/28, 3/7, 3/9/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Proctor on 3/7/05.

In claim 12, line 1, delete "A bed" and insert: --The foundation as claimed in claim 15, wherein--; delete lines 2 to 12, and in line 13, change "being" to --is--.

In claim 14, line 1, delete "A bed" and insert: --The foundation as claimed in claim 15, wherein--; delete lines 2 to 12, and in line 13, change "having" to --has--.

In claim 15, line 11, delete "a flexible foam layer" and insert --an expanded rigid plastic foam material layer--.

Cancel claims 16 to 20.

In claim 23, line 1, change "16" to --15--.

Cancel claims 24 to 28.

The following is an examiner's statement of reasons for allowance: On 2/28; 3/7 and 3/9, Ms. Proctor and I discussed the invention, the claims and the prior art of record, especially the prior art used in rejecting claims in the previous office action. Ms. Proctor persuasively argued that claim 11, sets forth horizontal slot (58) in an end panel that are not taught or suggested by the prior art. Ms. Proctor further persuasively argued that the prior art fails to teach or suggest that the top panel has a more flexible

Art Unit: 3673

upper layer (27) that is also made from "an expanded rigid plastic foam material layer".

She agreed to the limitation to claim 15, set forth above, broadly specifying the nature of layer 27, and agreed to the cancellation of claims 16-20; 24-28. On 3/18/05, Ms.

Proctor informally faxed in a proposal, attached to the interview summary, that explicitly authorizes the agreed upon changes, placing claims 11, 15, 2-4, 7-10, 5, 6, 12-14, 23 in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Alex Grosz at telephone number 571-272-7041.

Grosz/vs
May 2, 2005


ALEXANDER GROSZ
PRIMARY EXAMINER